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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,633	06/01/2001	Yoshitaka Nishimoto	892_018	1715
25191	7590	05/02/2006	EXAMINER	
BURR & BROWN PO BOX 7068 SYRACUSE, NY 13261-7068			WU, RUTAO	
			ART UNIT	PAPER NUMBER
			3639	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,633

Applicant(s)

NISHIMOTO, YOSHITAKA

Examiner

Rutao Wu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of claims

1. In response filed on February 09, 2006 the applicant cancelled claims 1-22 and presented new claims 23-44.

Response to Arguments

2. Applicant's arguments, see page 1 of Remarks/Arguments, filed February 09, 2006, with respect to claims 1-22 have been fully considered and are persuasive. The U.S.C. §112 second paragraph rejection of 1-22 has been withdrawn.
3. Applicant's arguments, see page 2 of Remarks/Arguments, filed February 09, 2006, with respect to claims 12-22 have been fully considered and are persuasive. The U.S.C. §101 rejection of claims 12-22 has been withdrawn.
4. Applicant's arguments with respect to claims 23-44 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

5. Claims 23, 25, 26, 34 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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6. Claims 23 and 34 recites the limitation "said quality information" in line 10. There is insufficient antecedent basis for this limitation in the claim.

7. Claims 25, 26, 34 recites the limitation "said user" in the last line of the claim.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 23, 24, 31, 34, 35, 42, as assumed definite, are rejected under 35

U.S.C. 102(e) as being anticipated by U.S. Pat No. 6415264 to Walker et al.

Referring to claims 23 and 34:

Walker et al teaches the following:

A storage unit storing identifying information and quality evaluating information for said transaction target article; (col 5: lines 24-30, 37-42, 52-56; col 6: lines 23-30; col 7: lines 29-32)

A receiving unit receiving said identifying information and said quality evaluating information for said transaction target article; (col 3: lines 56-60; col 5: line 27, 32-36)

A reading unit reading said quality information coincident with said received identifying information and quality evaluating information for said transaction target article; and (col 5: lines 32-36)

A transmitting unit transmitting said quality information to said requestor. (col 5: lines 1, 22, Fig 6A)

In response to applicant's argument that Walker et al does not teach "receiving identifying information and quality evaluating information" and transmitting to a requestor the quality information for the transaction target article. Walker et al disclose in col 3: lines 56-60 that "the seller may transmit to the posting site device one or more of: the seller's identity; the type of item to be sold; the condition of the item; peripherals included with the item; etc.." Also from Fig 6A, which is a portion of a item sheet shown to the seller, which displays the quality information of the item.

Referring to claims 24 and 35:

Walker et al teaches the following:

A transaction achievement information storage unit storing transaction achievement information containing completed transaction price information for a transaction target article; (col 5: lines 54-55; col 7: 10-13; Fig 4)

A statistic value calculating unit calculating a statistic value of the transaction price for articles with the same component number and quality information as said transaction target article, where said reading unit locates the reads at least one transaction achievement information with the same component number and quality information as said transaction target article; (col 5: 23-25; col 7: lines 15-18)

Wherein said transmitting unit transmits said calculated statistic value of said transaction price to said requestor. (col 5: lines 1, 22; col 7: lines 20-23)

In response to applicant's argument that Walker et al does not teach a statistic value calculating unit that calculates a statistical value for the transaction price of a transaction target article where at least one transaction achievement information is located and read, and the transmitting the statistic value for the transaction target article. Walker et al disclose that the posting device may estimate the value of the item based on sales during the past year for the item, the last fifteen similar items sold, or a trend analysis for sales of similar items, and an HTML document may be generated to the item description, peripherals and asking price. (col 7: lines 15-23) Therefore, Walker et al calculates a statistic value (estimate the value of the item) based on previous sales.

Referring to claims 31 and 42:

Walker et al teaches

Wherein said quality evaluating information is an answer to a question about an assessment item for said transaction target article; and (col 6: lines 23-27)

Said quality information is an assessment rank corresponding to an assessment score incremented or decremented based on said answer to said question. (col 6: lines 23-27)

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10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 25-30, 32, 36-41, 43, as assumed definite, are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al.

Referring to claims 25 and 36:

Walker et al disclose:

A necessary time related information storage unit storing information relating the time necessary to conduct a transaction for the transaction target article. (Fig 4)

Walker et al does not expressly disclose wherein said statistic value calculating unit calculates a statistic value for the time necessary on the basis of a single or a plurality of transaction achievement information accessibly stored on said transaction achievement information storage unit; and

Walker et al does disclose recording the total time of auction for each transaction (Fig 4) and also rewarding sellers who has posted items that have sold quickly (col 9: lines 10-12) It is obvious from the above disclosure that Walker et al calculates an average value of how long an auction lasts. Without calculating an average auction time, then the system cannot determined if a seller sells products quickly or slowly. In another way, the claim states calculating a statistic value for the time necessary to conduct a transaction based on a single stored transaction information. Then from the disclosure provided by Fig 4, if the system has only sold one of article A, then the

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statistic value for time necessary to conduct the transaction of article A would be the total time of auction for that first article.

Said transmitting unit transmits said statistic value of said necessary time together with said statistic value of said transaction price to said user.

Walker et al disclose a system to help sellers determine the price of an item for sale, therefore, its obvious that the system can transmit statistic values to the seller. (col 8: lines 46-51)

Referring to claims 26 and 37:

Walker et al disclose

An extracting unit for extracting price, identifying information and quality evaluating information from stored transaction achievement information for transactions for said transaction target article conducted in a price range that includes the desired transaction price for said transaction target article received by said receiving unit; and (Fig 8)

Wherein said statistic value calculating unit calculates the necessary time based on the extracted transaction achievement information; and

Walker et al does disclose recording the total time of auction for each transaction (Fig 4) and also rewarding sellers who has posted items that have sold quickly (col 9: lines 10-12) It is obvious from the above disclosure that Walker et al calculates an average value of how long an auction lasts. Without calculating an average auction time, then the system cannot determined if a seller sells products quickly or slowly. In another way, the claim states calculating a statistic value for the time necessary to

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conduct a transaction based on a single stored transaction information. Then from the disclosure provided by Fig 4, if the system has only sold one of article A, then the statistic value for time necessary to conduct the transaction of article A would be the total time of auction for that first article.

Said transmitting unit transmits said statistic value of said necessary time based on information extracted from said transaction achievement information to said user.

Walker et al disclose a system to help sellers determine the price of an item for sale, therefore, its obvious that the system can transmit statistic values to the seller. (col 8: lines 46-51)

Referring to claims 27 and 38:

Wherein said statistic value calculating unit calculates a statistic value for said transaction price and a statistic value for the time necessary in each of a plurality of price ranges set for the transaction target article; and

Walker et al disclose presenting the seller with multiple floor prices to choose from (col 8: lines 46-49), so Walker et al's system calculates a statistic value for said transaction price. Walker et al also disclose recording the total time of auction for each transaction (Fig 4) and also rewarding sellers who has posted items that have sold quickly (col 9: lines 10-12) It is obvious from the above disclosure that Walker et al calculates an average value of how long an auction lasts. Without calculating an average auction time, then the system cannot determined if a seller sells products quickly or slowly. In another way, the claim states calculating a statistic value for the time necessary to conduct a transaction based on a single stored transaction

information. Then from the disclosure provided by Fig 4, if the system has only sold one of article A, then the statistic value for time necessary to conduct the transaction of article A would be the total time of auction for that first article.

Said transmitting unit transmits said calculated statistic value of said transaction prices and said necessary time corresponding to each of said price ranges.

Walker et al disclose a system to help sellers determine the price of an item for sale, therefore, its obvious that the system can transmit statistic values to the seller. (col 8: lines 46-51)

Referring to claims 28 and 39:

Wherein said statistic value calculating unit calculates a statistic value for said transaction price and a statistic value for the time necessary in each of a plurality of advertising periods set for the transaction target article; and

When an article is presented for an auction, then the auction time is its advertising period. Walker et al disclose presenting the seller with multiple floor prices to choose from (col 8: lines 46-49), so Walker et al's system calculates a statistic value for said transaction price. Walker et al also disclose recording the total time of auction for each transaction (Fig 4) and also rewarding sellers who has posted items that have sold quickly (col 9: lines 10-12) It is obvious from the above disclosure that Walker et al calculates an average value of how long an auction lasts. Without calculating an average auction time, then the system cannot determined if a seller sells products quickly or slowly. In another way, the claim states calculating a statistic value for the time necessary to conduct a transaction based on a single stored transaction

information. Then from the disclosure provided by Fig 4, if the system has only sold one of article A, then the statistic value for time necessary to conduct the transaction of article A would be the total time of auction for that first article.

Said transmitting unit transmits said calculated statistic value of said transaction prices and said necessary time corresponding to each of said advertising periods.

Walker et al disclose a system to help sellers determine the price of an item for sale, therefore, its obvious that the system can transmit statistic values to the seller. (col 8: lines 46-51)

Referring to claims 29 and 40:

Walker et al does not expressly disclose wherein said quality evaluating information is a using period of said transaction target article; and

Walker et al does disclose seller disclosing the year of manufacture of the article present for price determination. (Fig 6A) Therefore, it would be obvious to calculate the using period of the article, it is the current year minus the year of manufacture.

Walker et al does not disclose said quality information is said using period divided into a plurality of time periods corresponding to a using condition of said transaction target article.

Walker et al does disclose that the condition of the article is separated into "Mint, Very Good, Good, Ok, Needs Work, and Poor" (Col 6B) It is well known that the longer the usage period is for a particular article, the quality of the article declines. Therefore, based on the condition as Mint or Very Good, the time period can be deduced. Mint would have a shorter time period then Very Good for example.

Referring to claims 30 and 41:

Walker et al does not expressly disclose wherein said statistic value calculating unit executes no process if said using period exceeds a predetermined limit.

the examiner note that it is obvious to one skilled in the arts that if a component is too old or has exceeded its usable life span then no one would purchase the component. Therefore it would be unnecessary to calculate and statistic value for the component.

Referring to claims 32 and 43:

Walker does not disclose explicitly that an item post to be sold is a component of a vehicle.

Examiner submits however, that it would have been obvious to one having ordinary skill in the art at the time the invention was made to include components of a vehicle or any other good or service. Walker provides specific motivation by indicating that any types of good or service may be sold (col 3: lines 45-54).

12. Claims 33 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al in view of U.S. Pat No. 5,657,233 to Cherrington et al.

Walker does not disclose a maintenance information storage unit stored with maintenance information of a vehicle. Walker also does not disclose using the vehicle maintenance information to obtain the using period.

Cherrington discloses a specifications database which contains vehicle specifications and a customer/inspection database which contains prior inspection records.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Walker's invention to include a vehicle maintenance information database and the ability to use the information to calculate the using time of a vehicle's component. One would be motivated to perform such a modification to have an alternate solution to providing the quality condition of an item for sale.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

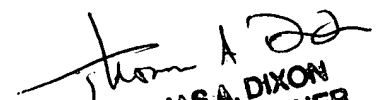
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rutao Wu whose telephone number is (571)272-3136. The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


THOMAS A. DIXON
PRIMARY EXAMINER

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